



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,895	08/10/2006	Peter Mergel	8009-88116	4694
42798	7590	11/19/2007		
FITCH, EVEN, TABIN & FLANNERY P. O. BOX 18415 WASHINGTON, DC 20036			EXAMINER HARVEY, JAMES R	
			ART UNIT 2833	PAPER NUMBER
			MAIL DATE 11/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,895

Applicant(s)

MERGET, PETER

Examiner

James R. Harvey

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4-27-06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

- .
- Applicant's election of Species 1 (figures 1-4) and claims 1-11 in the reply filed on 8-16-07 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
- Claim(s) 12 is (are) withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a non-elected Species, there being no allowable generic or linking claim.
- The requirement is still deemed proper and is therefore made FINAL

Abstract

- The abstract objected to. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. *The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.* The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Drawings

- The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

. In reference to Claim(s) 3, the recitation "the coding element (6) is connected to the line contact (5) as a separate component" is not shown.

In reference to Claim(s) 6 and those claims that depend thereon, the coding ring of the coding element is not shown in the drawings so that the public is aware of what structure would or what structure would not infringe upon applicant's claimed invention.

-- The above feature(s) must be shown or the feature canceled from the claim. No new matter should be entered.

- Please note that drawing corrections will no longer be held in abeyance. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application.

Claim Objections

- The following claim(s) is/are objected to because of the noted informalities:
 - The following claim(s) is(are) objected to under 37 C.F.R. Rule 1.75 (d)(1). The terms and the phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. In particular,
 -
 - In reference to Claim(s) 3, the recitation “the coding element (6) is connected to the line contact (5) as a separate component” is vague and indefinite. There are no figures or details so that the public is aware of what would and would not infringe upon applicant's recitation.
 - In reference to Claim(s) 5, the recitation “coding element (6) is in the form of an injection – molded plastic part.”, is confusing and is thus deemed to be vague and indefinite. It is not clear how the line contact can be an injection-molded part. For purposes of examination, it is assumed that the language is intended to be typed as --coding device (3).
 - Correction is required.

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- The following claims is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In reference to Claim(s) 3, the recitation “the coding element (6) is connected to the line contact (5) as a separate component” is vague and indefinite. There are no figures or details so that the public is aware of what would and would not infringe upon applicant's recitation. A examination on the merits can not be completed at this time.

In reference to Claim(s) 5, the recitation “coding element (6) is in the form of an injection –molded plastic part.”, is confusing and is thus deemed to be vague and indefinite. It is not clear how the line contact can be an injection-molded part. For purposes of examination, it is assumed that the language is intended to be typed as --coding device (3). A examination on the merits (as best understood) is addressed herein.

In reference to Claim(s) 6, the recitation “the coding element (6) comprises a coding ring (6) is vague and indefinite. A examination on the merits (as best understood) is addressed herein.

In reference to Claim(s) 7 and 9, the recitation "additional housing" lacks proper antecedent basis. Claims with the recitation should be made dependent upon claim 2 instead of claim 1.

In reference to Claim(s) 6 and those claims that depend thereon, the coding ring of the coding element is not shown in the drawings so that the public is aware of what structure would or what structure would not infringe upon applicant's claimed invention. A examination on the merits (as best understood) is addressed herein.

In reference to Claim(s) 11, the recitation to "additional housing" and "basic housing" lacks proper antecedent basis. A examination on the merits (as best understood) is addressed herein.

Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless —

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**** The following claim(s) is/are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuda et al. (6332803; herein referred to as mm).**

In reference to Claim(s) 1, mm shows a device 4 (cover sheet), coding element 9 (figure 2), and line contact 2.

In reference to Claim(s) 2, mm shows the pole chambers in a first housing 3 (cover sheet), and a second housing with a coding device 15a is formed.

In reference to Claim(s) 4, mm shows elements 9 and contact 2 are integrally formed.

In reference to Claim(s) 5, mm shows device 4 is injection molded.

In reference to Claim(s) 10, mm shows (cover sheet) clips 27a to releasable connect the basic housing to the additional housing.

**** The following claim(s) is/are rejected under 35 U.S.C. 102(b) as being anticipated by mm.**

In reference to Claim(s) 1, mm shows a coding device (near the lead line of numeral 22A (figure 6), a pole chamber (near the lead line of numeral 2; figure 6), a coding element 22 (figure 2), which is connected to the line contact 2 via the wire (w).

The meaning of “coding element” is not set forth in the claims by any structure and is thus deemed to be so broad that it is met by the applied reference.

In reference to Claim(s) 3, mm shows the coding element is separate and can rotate.

In reference to Claim(s) 11, mm shows the additional housing (the housing portion to the right of the lead line of numeral 2) and the basic housing (the housing portion to the left of the lead line of numeral 2; figure 6) are integrally formed.

** The following claim(s) is/are rejected under 35 U.S.C. 102(b) as being anticipated by Vanbesien (6059600; herein referred to as vv).

In reference to Claim(s) 1, vv shows (cover sheet) a coding device 8 that can be used for a pole chamber, that is specific to a coding element 9 which is connected to a line contact 12.

The meaning of “line contact” is not set forth in the claims by any structure and is thus deemed to be so broad that it is met by the applied reference.

In reference to claim 3, vv shows (cover sheet) the coding element 9 can rotate.

Allowable Subject Matter

- Claim(s) 6-9 has(have) allowable subject matter.
- Claim(s) 6-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
- The following is a statement of reasons for the indication of allowable subject matter: The prior art does not show the unique structure of the coding device has a coding groove and the coding element has a coding ring with at least one coding rib. This structure, in combination with all the other elements of the claim is not seen to be anticipated by the prior art and the examiner knows of no permissible motivation to combine the prior art such that the subject matter as a whole would have been obvious at the time the invention was made.

- If the application becomes allowable, any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowable Subject Matter".

Conclusion

- The prior art listed on PTO form 892 that is made of record and not relied upon is considered pertinent to applicant's disclosure because it shows the state of the art with respect to applicant's claimed invention. US Patent 5125849 figure 4 shows a groove and rib, but does not show the other required features and is not seen to be obvious to combine the reference with the other known prior art.
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 571-272-2007. The examiner can normally be reached from 8:00 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 extension 33.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

Applicant is encouraged to send correspondence through the USPTO fax number 571-273-8300.

Application/Control Number:
10/575,895
Art Unit: 2833

Page 9

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/James Harvey/
James Harvey
Primary Examiner

jrh

November 9, 2007